



11-23-01

PTOSB05 (1/88) +

25268

PATENT, TRADEMARK, AND COPYRIGHT OFFICE: U.S. DEPARTMENT OF COMMERCE  
Approved for use through 9/30/2000. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## UTILITY PATENT APPLICATION AND FEE TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. APPL0002

Date: November 14, 2001

Inventor(s): **Ethan George Russell, Stephen William Cote, Erkki Ville Juhani Aikas, Brian David Marsh, and John Bradley Chen**Title **METHOD AND SYSTEM FOR MONITORING THE PERFORMANCE OF A DISTRIBUTED APPLICATION**FULL NAME OF 1<sup>ST</sup> NAMED INVENTOR: **Ethan George Russell** COUNTRY OF CITIZENSHIP: **US**RESIDENCE ADDRESS OF INVENTOR: **925 10<sup>th</sup> Avenue East, Apt. B, Seattle, WA 98102**FULL NAME OF 2<sup>ND</sup> NAMED INVENTOR: **Stephen William Cote** COUNTRY OF CITIZENSHIP: **US**RESIDENCE ADDRESS OF INVENTOR: **35220 B S.E. Sequoia Place, Snoqualmie, WA 98065**FULL NAME OF 3<sup>RD</sup> NAMED INVENTOR: **Erkki Ville Juhani Aikas** COUNTRY OF CITIZENSHIP: **Finland**RESIDENCE ADDRESS OF INVENTOR: **3621 S.W. 106<sup>th</sup> Street, Seattle, WA 98146**FULL NAME OF 4<sup>TH</sup> NAMED INVENTOR: **Brian David Marsh** COUNTRY OF CITIZENSHIP: **US**RESIDENCE ADDRESS OF INVENTOR: **2339 Fairview Avenue East #P, Seattle, WA 98102**FULL NAME OF 5<sup>TH</sup> NAMED INVENTOR: **John Bradley Chen** COUNTRY OF CITIZENSHIP: **US**RESIDENCE ADDRESS OF INVENTOR: **7229 LeDroit Court S.W., Seattle, WA 98136**

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 202311. ☒ Fee Transmittal (BELOW)2. ☒ Applicant(s) claims small entity status. See 37 C.F.R. § 1.27.3. ☒ Specification [Total Pages 61]4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 8] [FORMAL]5. ☒ Oath or Declaration [Total Pages 3]a. ☒ Newly executed (original or copy)b. ☐ Copy from a prior application (37 C.F.R. § 1.63(d)) (for continuation/divisional with Box 17 completed) [Note Item 5 below]ii. **DELETION OF INVENTOR(S)**

Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

6. ☐ Application Data Sheet. See 37 C.F.R. § 1.767. ☐ CD-ROM or CD-R in duplicated, large table or Computer Program (Appendix)8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)a. ☐ Computer Readable Form (CRF) b. ☐ Specification Sequence Listing on: ☐ i. CD-ROM or CD-R (2 copies); or ☐ ii. Paper c. ☐ Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))10. ☐ 37 C.F.R. § 3.73(b) Statement (when there is an assignee) \_\_\_\_\_ Power of Attorney11. ☐ English Translation Document (if applicable)12. ☐ Information Disclosure Statement (IDS)/PTO-1449 \_\_\_\_\_ Copies of IDS Citations13. ☐ Preliminary Amendment14. ☒ Return Receipt Postcard (MPEP 503) (Should be itemized specifically)15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)16. ☐ NONPUBLICATION REQUEST: Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.17. ☐ Other: \_\_\_\_\_18. **If a CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment:Continuation ☐ Divisional ☐ Continuation-in-part (CIP) ☐ of prior application No:          /         Prior application information: Examiner:                                  Group / Art Unit:                                 

This application claims priority from previously filed U.S. Provisional Patent Application Serial No. 60/249,134, filed on November 16, 2000, the benefit of the filing date of which is hereby claimed under 35 U.S.C. § 119(e).

For CONTINUATION OR DIVISIONAL APPLICATIONS only: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

# 19. CORRESPONDENCE ADDRESS

Correspondence address below:

Ronald M. Anderson  
LAW OFFICES OF RONALD M. ANDERSON  
600 - 108th Avenue N.E., Suite 507  
Bellevue, WA 98004

Telephone: 425-688-8816 Facsimile: 425-646-6314

FEE TRANSMITTAL																																																							
<b>METHOD OF PAYMENT</b> (check one)		<b>FEE CALCULATION</b> (continued)																																																					
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number <u>01-1940</u> Deposit Account Name: <u>Law Offices of Ronald M. Anderson</u> <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 & 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance		3. <b>ADDITIONAL FEES</b> (Continued)																																																					
2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> X Check (No. <u>5503</u> ) Money Order _____ Other _____ <input type="checkbox"/> Payment NOT Enclosed		<table border="1"> <thead> <tr> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>Extension for reply within first month</td><td></td></tr> <tr><td>Extension for reply within second month</td><td></td></tr> <tr><td>Extension for reply within third month</td><td></td></tr> <tr><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>Notice of Appeal</td><td></td></tr> <tr><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>Request for oral hearing</td><td></td></tr> <tr><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>Design issue fee</td><td></td></tr> <tr><td>Plant issue fee</td><td></td></tr> <tr><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>Recording each patent assignment per property (times number of properties)</td><td>40</td></tr> <tr><td>Submission after final rejection (37 C.F.R. 1.129(a))</td><td></td></tr> <tr><td>Add'l invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>Other fee (specify)</td><td></td></tr> <tr><td>Request for reexamination</td><td></td></tr> <tr><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr> <td><b>SUBTOTAL (3)</b></td> <td><b>\$ 40</b></td> </tr> </tbody> </table>		Fee Description	Fee Paid	Requesting publication of SIR after Examiner action		Extension for reply within first month		Extension for reply within second month		Extension for reply within third month		Extension for reply within fourth month		Extension for reply within fifth month		Notice of Appeal		Filing a brief in support of an appeal		Request for oral hearing		Petition to institute a public use proceeding		Petition to revive - unavoidable		Petition to revive - unintentional		Utility issue fee (or reissue)		Design issue fee		Plant issue fee		Petitions to the Commissioner		Petitions related to provisional applications		Submission of Information Disclosure Statement		Recording each patent assignment per property (times number of properties)	40	Submission after final rejection (37 C.F.R. 1.129(a))		Add'l invention to be examined (37 CFR 1.129(b))		Other fee (specify)		Request for reexamination		Requesting publication of SIR after Examiner action		<b>SUBTOTAL (3)</b>	<b>\$ 40</b>
Fee Description	Fee Paid																																																						
Requesting publication of SIR after Examiner action																																																							
Extension for reply within first month																																																							
Extension for reply within second month																																																							
Extension for reply within third month																																																							
Extension for reply within fourth month																																																							
Extension for reply within fifth month																																																							
Notice of Appeal																																																							
Filing a brief in support of an appeal																																																							
Request for oral hearing																																																							
Petition to institute a public use proceeding																																																							
Petition to revive - unavoidable																																																							
Petition to revive - unintentional																																																							
Utility issue fee (or reissue)																																																							
Design issue fee																																																							
Plant issue fee																																																							
Petitions to the Commissioner																																																							
Petitions related to provisional applications																																																							
Submission of Information Disclosure Statement																																																							
Recording each patent assignment per property (times number of properties)	40																																																						
Submission after final rejection (37 C.F.R. 1.129(a))																																																							
Add'l invention to be examined (37 CFR 1.129(b))																																																							
Other fee (specify)																																																							
Request for reexamination																																																							
Requesting publication of SIR after Examiner action																																																							
<b>SUBTOTAL (3)</b>	<b>\$ 40</b>																																																						
<b>FEE CALCULATION</b>																																																							
<b>1. BASIC FILING FEE</b>																																																							
Fee Description	Fee Paid																																																						
Utility filing fee	\$ 370																																																						
Design filing fee																																																							
Plant filing fee																																																							
Reissue filing fee																																																							
Provisional filing fee																																																							
<b>SUBTOTAL (1)</b>	<b>\$ 370</b>																																																						
<b>2. EXTRA CLAIM FEES</b>																																																							
	Extra Claims Fee from below Fee Paid																																																						
Total Claims	61 - 20 = 41 x \$9 = \$ 369																																																						
Independent Claims	8 - 3 = 5 x \$42 = \$ 210																																																						
Multiple Dependent	-0- x \$280/140 = \$ -0-																																																						
<b>SUBTOTAL (2)</b>	<b>\$ 579</b>																																																						
<b>FEES (SUBTOTALS (1) &amp; (2))</b>		<b>\$ 949</b>																																																					
<b>3. ADDITIONAL FEES</b>																																																							
Surcharge - late filing fee or oath																																																							
Surcharge - late provisional filing fee or cover sheet																																																							
Non-English specification																																																							
<b>TOTAL FEES ENCLOSED: \$ 989</b>																																																							

Typed/Printed Name Ronald M. Anderson

Signature Ron Anderson

Registration Number: 28,829

Date: November 14, 2001

## EXPRESS MAIL CERTIFICATE

Express Mail Label No. EL744183054US

Date of Deposit: November 14, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

KATHY L. PAULINO  
(Name of person mailing paper/fee)

Kathy L Paulino  
(Signature of person mailing paper or fee)